

# SENATE BILL No. 578

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-19; IC 33-10.1; IC 33-19; IC 34-28-5.

**Synopsis:** City and town courts. Changes the percentage of court costs distributed to the state and to counties, cities, and towns. Provides that a city court in a second or third class city has original, exclusive jurisdiction over misdemeanor cases in which the alleged occurrence of the crime was within the city limits of the second or third class city, unless there is an agreement between the city court and the circuit and superior courts of that county to file or transfer misdemeanor cases to the circuit or superior court. Makes a city court in a second or third class city a court of record. Provides that a city court in a second or third class city has concurrent jurisdiction with the circuit court in civil cases where the amount in dispute does not exceed \$6,000. Increases the civil penalty for a Class D infraction to \$30. Allows a court to retain \$5 of the civil penalty collected for a Class D infraction. Makes all child restraint violations Class C misdemeanors. Allows a court that assesses court fees to assess a \$25 late fee if the person required to pay the court fees does not pay them in full in the time allotted by the court. Repeals a provision that prohibits designation to a violations clerk of infractions involving the required use of a passenger restraint system. Repeals a provision that allows a court to waive court costs and monetary judgment for infractions involving the required use of a child passenger restraint system if the person who committed the infraction possesses or has acquired a child passenger restraint system and does not have a prior judgment for the infraction. Repeals a provision that establishes procedures for a person who appeals a civil judgment of a city court in the three largest cities in a county that has a population between 400,000 and 700,000.

**Effective:** July 1, 2001.

**Smith S**

January 23, 2001, read first time and referred to Committee on Judiciary.



C  
o  
p  
y

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE BILL No. 578

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-19-10-2.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.5. A person who  
3 **knowingly or intentionally** operates a passenger motor vehicle that is  
4 equipped with a safety belt meeting the standards stated in the Federal  
5 Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) in  
6 which there is a child commits a ~~Class D infraction~~ **Class C**  
7 **misdemeanor** if:

- 8 (1) the child is at least four (4) years of age but less than twelve  
9 (12) years of age; and  
10 (2) the child is not properly fastened and restrained by:  
11 (A) a child passenger restraint system; or  
12 (B) a safety belt.

13 SECTION 2. IC 9-19-11-2 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. A person who  
15 **knowingly or intentionally** operates a motor vehicle in which there is  
16 a child less than four (4) years of age who is not properly fastened and  
17 restrained by a child passenger restraint system commits a ~~Class D~~



C  
o  
p  
y

~~infraction~~ **Class C misdemeanor**, unless it is reasonably determined that the child will not fit in a child passenger restraint system.

SECTION 3. IC 9-19-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. A person who **knowingly or intentionally** operates a motor vehicle in which there is a child commits a ~~Class D infraction~~ **Class C misdemeanor** if:

- (1) the child is less than four (4) years of age and it is reasonably determined that the child will not fit in a child restraint system; and
- (2) the child is not properly fastened and restrained by a safety belt.

SECTION 4. IC 9-19-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. ~~(a)~~ If, at a proceeding to enforce section 2 of this chapter, the court finds that the person:

- (1) has violated this chapter; and
- (2) does not possess or has not acquired a child passenger restraint system;

the court shall enter judgment **of conviction** against the person and shall order the person to provide proof of possession or acquisition within thirty (30) days.

~~(b) Notwithstanding IC 34-28-5-4, if the person:~~

- ~~(1) complies with a court order under this section; and~~
- ~~(2) has no previous judgments of violation of this chapter against the person;~~

~~the person is not liable for any costs or a monetary judgment.~~

SECTION 5. IC 9-19-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. A court shall forward to the bureau of motor vehicles a certified abstract of the ~~record of~~ judgment **of conviction** of any person in the court for a violation of this chapter in the manner provided by IC 9-25-6.

SECTION 6. IC 33-10.1-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. **(a)** A city court has the following jurisdiction over crimes, infractions, and ordinance violations:

- (1) Jurisdiction of all violations of the ordinances of the city.
- (2) Jurisdiction of all misdemeanors and all infractions.

**(b) Except as provided in section 2.3 of this chapter, a city court in a second class city has original, exclusive jurisdiction over misdemeanor cases in which the alleged crime occurred within the city limits of the second class city.**

**(c) Except as provided in section 2.3 of this chapter, a city court**



1 in a third class city has original, exclusive jurisdiction over  
 2 misdemeanor cases in which the alleged crime occurred within the  
 3 city limits of the third class city.

4 SECTION 7. IC 33-10.1-2-2.1 IS ADDED TO THE INDIANA  
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2001]: Sec. 2.1. (a) Each judge of a city court  
 7 in a second or third class city shall maintain the following dockets:

8 (1) An ordinance and infraction violation docket.

9 (2) A misdemeanor docket, including original, exclusive  
 10 jurisdiction over misdemeanor cases as set forth in section 2  
 11 of this chapter.

12 (3) Except as provided in sections 4 and 5 of this chapter, a  
 13 civil docket where the amount in controversy does not exceed  
 14 five hundred dollars (\$500).

15 (b) A judge in a city court in a second or third class city may not  
 16 include actions for:

17 (1) slander;

18 (2) libel;

19 (3) foreclosure of mortgage on real estate where the title to  
 20 real estate is in issue;

21 (4) matters relating to a decedent's estate;

22 (5) appointment of guardians and all related matters; and

23 (6) actions in equity;

24 on the court's docket.

25 SECTION 8. IC 33-10.1-2-2.3 IS ADDED TO THE INDIANA  
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2001]: Sec. 2.3. (a) If subsection (b) or (c)  
 28 applies, a circuit or superior court with jurisdiction in a county  
 29 where a second or third class city is located has original,  
 30 concurrent jurisdiction over misdemeanor cases in which the  
 31 alleged crime occurred within the city limits of the second or third  
 32 class city.

33 (b) The:

34 (1) city court for a second or third class city; and

35 (2) circuit or superior court with jurisdiction over criminal  
 36 actions in the county where the second or third class city is  
 37 located;

38 may jointly adopt rules for the filing in the circuit or superior  
 39 court of some or all misdemeanor cases in which the alleged crime  
 40 occurred within the city limits of the second or third class city.

41 (c) The judge of a city court in a second or third class city may,  
 42 with the consent of the judge of the circuit or superior court with



jurisdiction over criminal actions in the county where the second or third class city is located, transfer any criminal action filed and docketed in the city court to the circuit or superior court by transferring all original papers and instruments filed in the action without any further transcript. The circuit or superior court shall redocket the criminal action and dispose of it as if the action were originally filed with the circuit or superior court.

SECTION 9. IC 33-10.1-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. The city court of each of the four (4) cities having the largest populations and the town court of the town having the largest population in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) (a) This section applies to the following:

(1) A city court in a second class city.

(2) The town court of the town having the largest population in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) A city or town court described in subsection (a) have has concurrent civil jurisdiction with the circuit court of the county where the amount in ~~controversy~~ dispute does not exceed ~~three thousand dollars (\$3,000)~~ **six thousand dollars (\$6,000)**. The city or town court has jurisdiction in any action where the parties or the subject matter are in the county in which the city or town is located. However, the city or town court does not have jurisdiction in:

(1) actions for slander or libel;

(2) matters relating to decedents' estates, appointment of guardians, and all related matters;

(3) dissolution of marriage actions; or

(4) injunction or mandate actions.

SECTION 10. IC 33-10.1-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. A city court in a third class city ~~that is not a county seat and to which section 4 of this chapter does not apply~~ has concurrent jurisdiction with the circuit court in civil cases where the amount in controversy does not exceed ~~three thousand dollars (\$3,000)~~ **six thousand dollars (\$6,000)**. However, the city court does not have jurisdiction in actions for slander, libel, foreclosure of mortgages on real estate where the title to real estate is in issue, all matters relating to a decedent's estate, appointment of guardians and all related matters, and actions in equity, nor does the court have original jurisdiction where the principal defendant resides



C  
o  
p  
y

1 within another city having a city court with a civil jurisdiction.  
 2 Judgments rendered in the city court, when a certified transcript is filed  
 3 with the clerk of the circuit court, have the same force as judgments  
 4 rendered in the circuit court.

5 SECTION 11. IC 33-10.1-5-7, AS AMENDED BY P.L.196-1999,  
 6 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2001]: Sec. 7. (a) **Except for a city court in a second or**  
 8 **third class city**, a city court is not a court of record.

9 (b) A town court is not a court of record.

10 (c) A person selected as judge of the following courts must be an  
 11 attorney in good standing under the requirements of the supreme court:

12 (1) Anderson city court.

13 (2) Avon town court.

14 (3) Brownsburg town court.

15 (4) Carmel city court.

16 (5) A city or town court located in Lake County.

17 (6) Muncie city court.

18 (7) Noblesville city court.

19 (8) Plainfield town court.

20 SECTION 12. IC 33-10.1-5-9 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) **Except as**  
 22 **provided in subsection (d)**, an appeal from a judgment of a city court  
 23 may be taken to the circuit or superior court of the county and tried de  
 24 novo.

25 (b) An appeal from a judgment of a town court may be taken to the  
 26 superior or circuit court of the county within thirty (30) days from the  
 27 rendition of the judgment.

28 (c) A prisoner against whom punishment is adjudged by a city court  
 29 may appeal to the circuit court of the county within thirty (30) days  
 30 after the judgment. If the prisoner, within the thirty (30) days, enters  
 31 into recognizance for his appearance in court and causes to be filed in  
 32 the court, within forty-five (45) days, all other papers, documents, and  
 33 transcripts necessary to complete ~~his~~ **the prisoner's** appeal, then the  
 34 appeal stays all further proceedings on the judgment in the court below.  
 35 However, the prisoner may remain in jail on ~~his~~ **the prisoner's**  
 36 sentence instead of furnishing a recognizance, and an appeal without  
 37 recognizance does not stay the execution of the court below.

38 (d) **An appeal of a judgment from a city court in a second or**  
 39 **third class city shall be taken in the same manner, under the same**  
 40 **rules and statutes, and with the same assessment of costs as cases**  
 41 **appealed from the circuit court.**

42 SECTION 13. IC 33-19-5-1 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) A drug abuse, prosecution, interdiction, and correction fee.
- (6) An alcohol and drug countermeasures fee.
- (7) A child abuse prevention fee.
- (8) A domestic violence prevention and treatment fee.
- (9) A highway work zone fee.
- (10) A deferred prosecution fee (IC 33-19-6-16.2).
- (11) A late fee (IC 33-19-6-18).**

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

- (1) First, the clerk shall apply the partial payment to general court costs.
- (2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate

C  
o  
p  
y



county user fee fund.

(3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.

(4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.

(5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

SECTION 14. IC 33-19-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

(1) for a violation constituting an infraction; or

(2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) An alcohol and drug services program user fee.

(3) A law enforcement continuing education program fee.

(4) An alcohol and drug countermeasures fee.

(5) A highway work zone fee.

(6) A deferred prosecution fee (IC 33-19-6-16.2).

**(7) A late fee (IC 33-19-6-18).**

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the user fee fund established under IC 33-19-8:

(1) The alcohol and drug services program user fee.

(2) The law enforcement continuing education program fee.

(3) The deferral program fee.

(d) The defendant is not liable for any ordinance violation costs fee in an action in which:

(1) the defendant was charged with an ordinance violation subject to IC 33-6-3;

(2) the defendant denied the violation under IC 33-6-3-2;

(3) proceedings in court against the defendant were initiated

C  
o  
p  
y





under IC 34-28-5 (or IC 34-4-32 before its repeal); and  
 (4) the defendant was tried and the court entered judgment for the  
 defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

- (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
- (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

SECTION 15. IC 33-19-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) For each action filed under:

- (1) IC 31-34 or IC 31-37 (delinquent children and children in need of services); or
- (2) IC 31-14 (paternity);

the clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) An alcohol and drug countermeasures fee.

**(6) A late fee (IC 33-19-6-18).**

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The marijuana eradication program fee.
- (2) The alcohol and drug services program user fee.
- (3) The law enforcement continuing education program fee.

SECTION 16. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 18. (a) The clerk shall collect a twenty-five dollar (\$25) late fee against a person who:**

- (1) is assessed court fees under IC 33-19-5-1, IC 33-19-5-2, or**

C  
o  
p  
y



1 **IC 33-19-5-3; and**

2 **(2) has not paid in full the fees described in subdivision (1) in**  
 3 **the time set by the court.**

4 **(b) The court shall:**

5 **(1) create written procedures for the assessment and**  
 6 **collection of late fees;**

7 **(2) provide a copy of the written procedures for the**  
 8 **assessment and collection of late fees to a person who requests**  
 9 **a copy;**

10 **(3) follow the written procedures for assessment and**  
 11 **collection of late fees;**

12 **(4) conspicuously post written notice thirty (30) days before**  
 13 **a change in the assessment and collection procedures;**

14 **(5) maintain records that document the name of each person**  
 15 **who pays late fees under this section;**

16 **(6) establish and maintain an account for fees collected under**  
 17 **this section; and**

18 **(7) use the fees collected under this section for the operating**  
 19 **costs of the court.**

20 **SECTION 17. IC 33-19-7-1 IS AMENDED TO READ AS**  
 21 **FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The clerk of a**  
 22 **circuit court shall semiannually distribute to the auditor of state as the**  
 23 **state share for deposit in the state general fund ~~seventy sixty-seven~~**  
 24 **percent (~~70%~~) (67%) of the amount of fees collected under the**  
 25 **following:**

26 **(1) IC 33-19-5-1(a) (criminal costs fees).**

27 **(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).**

28 **(3) IC 33-19-5-3(a) (juvenile costs fees).**

29 **(4) IC 33-19-5-4(a) (civil costs fees).**

30 **(5) IC 33-19-5-5(a) (small claims costs fees).**

31 **(6) IC 33-19-5-6(a) (probate costs fees).**

32 **(7) IC 33-19-6-16.2 (deferred prosecution fees).**

33 **(b) The clerk of a circuit court shall semiannually distribute to the**  
 34 **auditor of state for deposit in the state user fee fund established under**  
 35 **IC 33-19-9-2 the following:**

36 **(1) Twenty-five percent (25%) of the drug abuse, prosecution,**  
 37 **interdiction, and correction fees collected under**  
 38 **IC 33-19-5-1(b)(5).**

39 **(2) Twenty-five percent (25%) of the alcohol and drug**  
 40 **countermeasures fees collected under IC 33-19-5-1(b)(6),**  
 41 **IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).**

42 **(3) Fifty percent (50%) of the child abuse prevention fees**

C  
o  
p  
y



collected under IC 33-19-5-1(b)(7).

(4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).

(5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

(6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

SECTION 18. IC 33-19-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. The clerk of a circuit court shall forward the county share of fees collected to the county auditor in accordance with IC 33-19-1-3(a). The auditor shall retain as the county share ~~twenty-seven~~ **twenty-eight** percent (~~27%~~) (**28%**) of the amount of fees collected under the following:

(1) IC 33-19-5-1(a) (criminal costs fees).

(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-19-5-3(a) (juvenile costs fees).

(4) IC 33-19-5-4(a) (civil costs fees).

(5) IC 33-19-5-5(a) (small claims costs fees).

(6) IC 33-19-5-6(a) (probate costs fees).

(7) IC 33-19-6-16.2 (deferred prosecution fees).

SECTION 19. IC 33-19-7-3, AS AMENDED BY P.L.98-2000, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The qualified municipality share to be distributed to each city and town maintaining a law enforcement agency that prosecutes at least ~~fifty~~ **forty** percent (~~50%~~) (**40%**) of its ordinance violations in a circuit, superior, or county court located in the

C  
o  
p  
y



county is ~~three~~ **five** percent (~~3%~~) (**5%**) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The county auditor shall determine the amount to be distributed to each city and town qualified under subsection (a) as follows:

STEP ONE: Determine the population of the qualified city or town.

STEP TWO: Add the populations of all qualified cities and towns determined under STEP ONE.

STEP THREE: Divide the population of each qualified city and town by the sum determined under STEP TWO.

STEP FOUR: Multiply the result determined under STEP THREE for each qualified city and town by the amount of the qualified municipality share.

(c) The county auditor shall semiannually distribute to each city and town described in subsection (a) the amount computed for that city or town under STEP FOUR of subsection (b).

SECTION 20. IC 33-19-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund ~~fifty-five~~ **forty** percent (~~55%~~) (**40%**) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share ~~twenty~~ **thirty** percent (~~20%~~) (**30%**) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

C  
O  
P  
Y



(c) The city or town fiscal officer shall retain ~~twenty-five~~ **thirty** percent ~~(25%)~~ **(30%)** as the city or town share of the fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

SECTION 21. IC 34-28-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) A judgment of up to ten thousand dollars (\$10,000) may be entered for a violation constituting a Class A infraction.

(b) A judgment of up to one thousand dollars (\$1,000) may be entered for a violation constituting a Class B infraction.

(c) A judgment of up to five hundred dollars (\$500) may be entered for a violation constituting a Class C infraction.

(d) A judgment of up to ~~twenty-five~~ **thirty** dollars ~~(\$25)~~ **(\$30)** may be entered for a violation constituting a Class D infraction.

C  
o  
p  
y



(e) A judgment:

(1) up to the amount requested in the complaint; and

(2) not exceeding any limitation under IC 36-1-3-8;  
may be entered for an ordinance violation.

SECTION 22. IC 34-28-5-5 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) A defendant  
against whom a judgment is entered is liable for costs. Costs are part  
of the judgment and may not be suspended except under IC 9-30-3-12.  
Whenever a judgment is entered against a person for the commission  
of two (2) or more civil violations (infractions or ordinance violations),  
the court may waive the person's liability for costs for all but one (1) of  
the violations. This subsection does not apply to judgments entered for  
violations constituting:

(1) Class D infractions; or

(2) Class C infractions for unlawfully parking in a space reserved  
for a person with a physical disability under IC 5-16-9-5 or  
IC 5-16-9-8.

(b) If a judgment is entered:

(1) for a violation constituting

~~(A) a Class D infraction; or~~

~~(B)~~ a Class C infraction for unlawfully parking in a space  
reserved for a person with a physical disability under  
IC 5-16-9-5 or IC 5-16-9-8; or

(2) in favor of the defendant in any case;

the defendant is not liable for costs.

(c) Except for costs **and funds collected under subsection (e)**, the  
funds collected as judgments for violations of statutes defining  
infractions shall be deposited in the state general fund.

(d) A judgment may be entered against a defendant under this  
section or section 4 of this chapter upon a finding by the court that the  
defendant:

(1) violated:

(A) a statute defining an infraction; or

(B) an ordinance; or

(2) consents to entry of judgment for the plaintiff upon a pleading  
of nolo contendere for a moving traffic violation.

**(e) Funds collected as judgments for violations constituting  
Class D infractions shall be deposited as follows:**

**(1) An amount collected of twenty-five dollars (\$25) or less  
must be deposited in the state general fund.**

**(2) An amount collected of more than twenty-five dollars  
(\$25) must be deposited as set forth in subsection (f) by the**



C  
o  
p  
y

1           court that entered the judgment for the violation of the statute  
 2           defining the infraction.  
 3           (f) A court that collects funds of more than twenty-five dollars  
 4           (\$25) for a violation constituting a Class D infraction shall:  
 5           (1) deposit the funds collected that exceed twenty five dollars  
 6           (\$25) in the operating fund for the court; and  
 7           (2) use the funds collected for the operation of the court.  
 8           SECTION 23. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 9           JULY 1, 2001]: IC 9-19-11-4; IC 9-19-11-5; IC 33-10.1-5-10.

C  
o  
p  
y

